

### **REMARKS/ARGUMENTS**

The Official Action dated 27 April 2004 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules.

Claims 1-9 are objected to because of several informalities:

Claim 1 reads, "a holder seat for attaching to cycle". It would be more clear to cite, --a holder seat for attaching to a bicycle--.

In response, claim 1 has been amended according to the Examiner's suggestion.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshigai (4838387).

Claims 2-3, 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshigai (4838387) in view of Tseng (5996743).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshigai (4838387) in view of Tseng (5996743), and further in view of Gelbein (5503252) and further in view of Yoshikawa (5464074).

Claim 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshigai (4838387) in view of Yoshikawa (5464074).

Claims 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshigai (4838387) in view of Tseng (5996743), and further in view of Yang (6415690).

Applicant respectfully submits that the present invention is significantly different from that of the cited arts as can be seen from their respective structures. Applicant's invention as specified in the amended claims 1 and 4-9 is patentably distinguishable over these references when taken either singularly or in combination for the following reasons:

The Examiner cites Yoshigai as an example of a brake device comprising: a holder seat (5) for attaching to a bicycle, at least one brake arm (3, 4) pivotally attached to said holder seat with a shaft (2), and including a brake shoe (1) attached thereto for braking the cycle, at least one pole (9) attached to said holder seat, and including a stud (9) provided on one end thereof, and a coil spring (6) engaged onto said shaft, and including a first end engaged with said at least one brake arm (8), and a second end engaged with said stud of said at least one pole.

For claims 2-3, and 7, the Examiner further cites Tseng as an example teaching the use of an oblong hole (13) to slidably receive a pole (3) to adjust a spring force including a fastener (4).

However, actually, in Tseng, the fastener (4) is threaded to a threaded body (32) of an adjustment bolt (3) which includes a through hole (311) formed therein to receive a vertical leg (22) of the elastic body (2). The fastener (4) may be used to secured the adjustment bolt (3) to the bicycle brake holder (1) only, but may not be rotated or threaded relative to the bicycle brake holder (1), and may not force or move the vertical leg (22) of the elastic body (2) relative to the bicycle brake holder (1). In addition, the fastener (4) and the adjustment bolt (3) may only be secured to the bicycle brake holder (1) with a clamping or frictional force of the fastener (4) against the bicycle brake holder (1) only, and the fastener (4) may have a good chance to slide relative to the bicycle brake holder (1).

By contrast, in Applicant's invention, as amended in the amended claims 1 and 4-9, the fastener (70) is threaded with the screw hole (17) of the holder seat (10), and engageable with the pole (50), for moving and adjusting the pole (50) along the oblong hole (14) of the holder seat (10) when the fastener (70) is rotated relative

to the holder seat (10). It is to be noted that the spring (40) has one end (42) engaged with a stud (53) of the pole (50), and the fastener (70) may be stably moved along the screw hole (17) of the holder seat (10), in order to solidly move the pole (50) along the oblong hole (14) of the holder seat (10), in order to adjust the spring biasing force of the coil spring (40) applied against the brake arm (30).

The cited arts fail to teach a fastener (70) threaded with a screw hole (17) of a holder seat (10), and engageable with a pole (50), to move and adjust the pole (50) along an oblong hole (14) of the holder seat (10), and to stably adjust the spring biasing force of a coil spring (40) applied against a brake arm (30). The applicant's invention is different from that of the cited arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner KRAMER are appreciated.

respectfully submitted,

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